THE

CASE of ALLEGIANCE

CONSIDER'D

Let this be Printed.

James Fraſer.

March 21. 87.

THE CASE OF ALLEGIANCE IN OUR Present Circumstances CONSIDER'D.

In a LETTER from a Minister in the City, to a Minister in the Country.

Rom. 4. 22. *Happy is he that condemneth not himself in that thing which he alloweth.*

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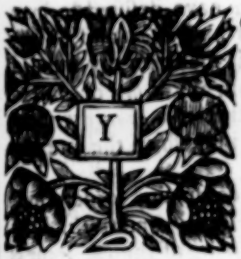
THE CASE OF ALLEGIANCE CONSIDER'D.

Reverend Sir,



YOu having thought fit to conſult my Judgment about the lawfulneſs of *tranſferring* our *Allegiance* from the *late* to the *preſent KING*; I ſhall not miſpend time in blaming the ill choice of ſo incompetent a *Caſuiſt*, for ſo important a *Caſe*; but according to the Laws of that *Friendſhip* which have been for ſome time obſerv'd between us, I ſhall endeavour to approve my *readineſs*, if not my *ability* in ſerving you.

I muſt not diſſent from you, in profeſſing a very tender and awful regard of *Conſcience*, whoſe Authority I acknowledg to be ſacred and inviolable, and in the neglect of which I expect no peace in my own mind, nor any confidence toward God: and I think it neceſſary to add, That we ought to take as much care to *inform* our *Conſciences*, as to *follow* them; that we provide them all poſſible helps

and advantages; that we place Truths in the faireſt light, and view them with a ſteddy unprejudic'd Eye: And we who are *Miniſters* are more eſpecially concern'd to do ſo, who being appointed Guides, not only to our ſelves, but alſo to others, muſt beware of the double guilt of *miſleading* our Flock, by going our ſelves *aſtray* before them.

You may believe me, Sir, as far as I can know my ſelf, that I have no *Antimonarchical* Principles, or ſecret diſguſt to the Perſon of the late King, to alienate my mind from him: Neither am I conſcious of any angry reſentments of *former* Sufferings, or of any diſcontent with my *preſent* Station, or of any ambitious deſign, or hope of a *future* advancement, to bend my Inclinations to a concurrence with the preſent *Revolution*; for I ſolemnly proteſt, That if the late *KING* would have thought fit to continue his Government over us, though with many *tolerable* Inconveniences to the *Publick*, and though with any *intolerable* Prejudices to my *private* Intereſt, I would never have retracted my *Reverence* and *Submiſſion* to his *Authority*, nor have deſiſted to intercede with Heaven for bleſſings on his *Perſon* and *Government*. Whatever *change* therefore it made on my mind, it did not, I aſſure you, proceed from any *deſign* or *choice* of my own, but was neceſſarily induc'd from a *change* without, and from thoſe new Circumſtances into which the late *King* unexpectedly caſt us.

It is indeed very *difficult*, as you complain, to determine the preſent Caſe with a ſatisfactory *clearneſs* and *certitude*, becauſe it is *complicated* of a great *variety* of things, ſome of which are *foreign* to our *faculty*, and which for the moſt part require a great niceneſs of thought to apprehend and diſtinguiſh them; becauſe alſo we are yet ſcarce got out of the *amazement* into which ſo great a *Revolution* hath ſurpriz'd us, and muſt have time to *recollect* and *compoſe* our thoughts, ere we can conſider ſo *exactly*, or deliberate ſo *ſteddily* as ſuch an Affair deſerves; but chiefly becauſe we have of late years imbib'd ſome falſe *Maxims* and Notions, which unhappily *intangle* our *Conſciences*, and *prejudice* our minds againſt that *truth*, which it is now become our intereſt

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to discover and acknowledg; and have had those *Notions* inculcated upon us with so much *force* and *importunity*, that through a *slavish fear* of those who have been a long time *practising* upon us, we have almost lost our liberty of *thinking freely*, and *judging impartially* of these matters. Yet these *difficulties* are not *insuperable* to an *honest inquisitive* mind; they may indeed prompt us to excuse candidly the *Errors* of others, and to seek more earnestly for *Wisdom*, to him that hath promis'd to *give* it to those that *lack*, without *upbraiding*; but should rather *animate* than *discourage* our industry in the researches of a Truth wherein our *Consciences* are so much concern'd.

These things being premis'd, I will now set close to my Work; and upon a general view of the Design before me, I find it necessary for me to do these three things.

1. To discover and remove some *false Principles* about Government and Obedience, whence the *obscurities* and *difficulties* in the present Case do chiefly arise.

2. To resolve the chief *difficulties* in the Case propounded.

3. To prove that *Resolution* to be consistent with all the Obligations that can affect a good *Conscience*.

1. It will be necessary in the first place to detect and discard those false principles of Government and Obedience which have been in this last Age too earnestly obtruded, and too easily entertain'd among us; and which are as a false biass on our minds to mislead their Considerations, and betray them into Error.

And if we find such Principles do rather *inslave* than *oblige* our *Consciences*, and are as inconsistent with *Truth*, as they are with the present *Revolution*, we must take the honest courage, to break off those bands, and assert our Liberty. Of this kind are chiefly these three.

1. That a *Monarchical* form of Government, and the appropriation of it to a particular Person or Family, is *jure Divino*,

Divine, or by a *Divine Right*. How boldly this Principle hath been asserted by some men, you and I cannot be ignorant; upon which so great a stress hath been laid, that to alter the *Government* in the *State*, hath been thought as lewd an impiety as to alter either of the *Holy Sacraments* in the *Church*; to *divert* the Succession, as unlawful as to *pervert* the very Course of Nature; and to oppose a King, tho in the most illegal extravagancies, or barbarous outrages, to be no less than fighting against God. If indeed such a *Divine Right* did appear, it must be acknowledged indisputable and inviolable, whatever sad consequences attend it; but upon examination we shall find that God hath no where instituted such a *Right*, but some men have with too bold a fraud, made use of his Name to advance and support their unreasonable pretensions. If by such a *Divine Right*, no more were intended than God's *permission* and *allowance*, it would have no Opponents; for we know of no *Law* that doth forbid a *Monarchical* form of Government, or exclude *any* particular *person* or *family* from the Administration of it: But then the pretence so interpreted, will not be sufficient to render an *alteration* in the *Government* or *Succession*, a sin against God, as the assertors of this notion have sometimes pretended. They therefore who plead this Argument, must be thought to assert, That God hath by some Law or Constitution appointed *Monarchy* to be the *specifick* form of Civil Government; and that the Crown should be entail'd on such particular persons succeeding in the same Family, whereby the one cannot be chang'd, or the other debar'd without transgressing a Divine Institution. This being a matter of great importance, and of common continual concernment to mankind, we may reasonably expect, that if God hath made any such *Law*, it is somewhere *promulg'd* to the World with *sufficient* evidence and certainty; but tho many have been for some years most sollicitously seeking after it, yet they are not agreed among themselves in the *discovery*, nor can direct us where we may certainly meet with it. I know but of two sort of *Laws* which

which God hath given to mankind, Either *Moral*, impreſs'd on the human Nature; or *Poſitive*, reveal'd in the Holy *Scriptures*; but the *jus divinum* in diſpute is a ſtranger to *both*. God hath indeed by *both*, inſtituted *Government*, or *Civil Authority* for the welfare and ſecurity of men in their Civil Societies; He hath alſo commanded, that *Superiors* govern *juſtly* and *mercifully*, and that *Inferiors* honour them with *duty* and *ſubmiſſion*: But I no where find that God hath commanded all Nations, or ours in particular, to be under that form of *Government*, which in contradiſtinction to other forms is called *Monarchy*; or under ſome particular Perſon or Family in contradiſtinction to all others. The *Law* of *Nature* doth indeed erect a *Monarchy* in *Families*, over thoſe who are naturally deſcended from him that is to Govern; but there being not the ſame *natural reaſon* in our *Civil Societies*, there is not the ſame *Law* of *Nature* to preſcribe the ſame *Government*: And if ſome plead a *likeneſs*, or *analogie* between them, That can ſerve only for a *rhetorical illuſtration*, but not for any *Logical proof*, ſuch as the preſent caſe requires. From the Holy *Scriptures* we learn that God did once inſtitute a *Monarchy* for the people of *Iſrael*, and appointed particularly that *David* ſhould be their *King*, and alſo *intail'd* the Crown upon his Poſterity; but as God had particular Reaſons for that inſtitution, reſpecting the *Meſſiah*, ſo we have no Reaſon to think that God intended by that inſtitution, to oblige any other Nation but the *Jews* only. In the *New Teſtament* we find *Civil* Government ſuppos'd, and the *moral* Duties to be diſcharg'd both by ſuperiors and inferiors, deſcrib'd and inforc'd, beyond what they are in any other inſtitutions; but we no where find *Chriſt* and his *Apoſtles* preſcribing the particular form of *Civil Government*, or preferring *Monarchy*, or condemning an *Ariſtocratic* or *Democratic* ſtate; and much leſs determining the particular perſons or families on whom the *Regal Dignity* ſhall deſcend. Some indeed have inferr'd from St. *Paul's* aſſertions, *Rom.* 13. 1. that the particular forms of Government, and the particular perſons which adminiſter it, are by a *Divine Inſtitution*; but however they countenance this miſtake from our *Engliſh* tran-

slation, which says, *There is no power but of God, the powers that are, are ordained of God*; yet the Text is incapable of such a sense, if we read and render it exactly according to the Original.

St. *Paul*'s words are Οὐ γὰρ ἔστιν ἐξουσία εἰ μὴ ἀπὸ θεοῦ, αἱ δὲ οὖσαι ἐξουσίαι ὑπὸ τοῦ θεοῦ τεταγμέναι εἰσὶν, which in an exact Translation would run thus; *There is no Authority, if not of God; and the Authorities which are* (of God's Institution) *are ordered under God.* The plain Doctrine of which Text can be only this, That no man can have an Authority over other men, who are his Fellow-creatures, except it be derived to him from God, who is the Lord of all; and that whatever Power is derived to any Superiors over Inferiors, it must be subordinated to God, from whom it was derived: And as the Apostle doth infer from the former Assertion, That *Every soul should be subject to, and not resist, this Authority*, even for *Conscience-sake*, because derived from God; so he infers from the latter, That the Superior, who useth this *Authority*, must administer it as the Minister of God, for the good of men, in protecting Virtue, and discouraging Vice, because his Authority is subordinated to God, the Supreme and Absolute Lord of all Mankind.

And that the Apostle doth speak of *Authority* according to its general *nature* and *institution*, and not the *particular persons* by whom, or *forms* in which it was then exercis'd, is evident from the excellent properties and ends of this *Authority* which he enumerates; which do belong indeed to that *Authority* which God hath instituted, but cannot certainly be ascribed to the Government of *Nero* the present, and the worst of Emperors. And to make this more plain and unquestionable, it may be observ'd, that as Saint *Paul*, speaking of *Authority* in the general, calls it ἡ τοῦ θεοῦ διαταγὴ the *Ordinance of God*; so Saint *Peter* speaking of the persons by whom this *Authority* is administred, calls them ἡ ἀνθρωπίνη κτίσις, the *Ordinance of man*, whether it be the *King, as supreme, or inferior Magistrates commission'd by him.*

1 Pet. 2. 13, 14.

After all, I am ready to acknowledg, that the *Law of God* doth secure *Princes*, yea, and the *meanest* of their *Subjects* in the quiet possession of those *Rights* which they have justly acquir'd; but the *Rights* themselves are not founded on a *Di-*

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vine but *Humane* Constitution; for tho the Law of God doth prohibit us to defraud a *private person* of any part of his just possessions, yet we do not think that any *Law of God* did *antecedently entitle* him to such a possession, or doth *necessarily intail* it on his Family; but that his *Right* is grounded on the Laws and Constitutions of the Country in which he lives: So, tho *Kings* have the Law of God to maintain and protect them in the use of that *Authority* to which they have a *just Right*; yet that *Right* is not to be measured by any Law of God, but the Constitutions of the Realm, and may be acquired or alienated without committing any sin against God, as they who assert a *Jus Divinum* would pretend.

2. Another false principle to be dismissed, is a wide mistake of the Nature of that Government under which we live, which asserts the *English Monarchy* to be *absolute* and *unlimited*, at least that in its *Original* and *Essential* Constitution it is so, and cannot be otherwise. We cannot but reflect on the *ill design*, or *ill conduct* of some who in their Discourses on this Subject, have transcribed out of their *common places* all the *great things* which any *Princes* have *asserted* to themselves, or have been *ascrib'd* to them by ambitious flatterers, or have been *acquir'd* by them in overreaching Compacts, or by a violent force; and have, without any *restriction* or *exception*, applied them to the *Monarch* of our *Island*, as if there could be but one sort of *Government* in the world, or that *ours* did eminently include all the Prerogatives that can be conceiv'd in speculation, or can be found to be ascrib'd to any King or Emperor in any Part, or Age of the World.

Upon this Principle they have exalted the *English* Monarch into as *Absolute* and *Arbitrary* a *Sovereign*, as any Emperour of *Rome* or *Constantinople*; they make his *Will* the sole spring of our Government, from which it is originally deriv'd, and into which it must be ultimately resolved: they allow to an *English Parliament* no more power than to give some inauthoritative Advice, which the King may use or neglect as he thinks fit. They think a *Coronation Oath*, whatever it may be with respect to *God*, yet with respect to the *People*, is only a customary Ceremony, or insignificant Formality. They suppose all legal limitations of the Government to be but the King's arbitrary and temporary Condescentions, which he may retract without

doing any Injury to the People; and, in a word, that all our Laws are entirely dependent on His Pleasure for their *Being*, *Continuance*, and *Influence*; but his *Will* is in all Cases unaccountable and irresistible. Such Maxims as these quite alter the Frame of our *English Government*, raise up our *King* into a *Tyrant*, and depress his Subjects into Slaves, and serve only to render the *King odious*, and his *People miserable*; and therefore, as no wise Man can forbear wishing that they may not be true, so upon enquiry we shall find that they have been advanced either by the *Fondness* of some, who frame Schemes of *Government* in their own imagination; or by the *Ignorance* of others, who are deceiv'd with the sound of the æquivocal Name of *King*, or by the *Craft* of those who make a Trade of *advancing* the *Prerogative*, in order to their own *Advancement*. Indeed if the preceding Principle had proved true, That *Monarchy is a Divine Institution*, it would be necessary for us to grant, that no other Form of Government could be mix'd with it, or *That* be restrained by any Limitations, because it cannot be lawful for Man to adulterate or infringe the Ordinance of God: But seeing the *Jus Divinum* doth not appear, we have reason to suppose that our *English Government* is built on the Topical Constitutions of this Countrey, and may differ from the Government of other Countreys, as much as our Tempers, Interests, and Circumstances do. For, if the Supreme Governor of the VVorld hath not thought fit to prescribe *One Form* of *Government* to be every-where observed, he hath permitted to every Nation a Liberty of framing to themselves such a Constitution as may be most useful and agreeable; and as it is *inconceivable* that all Nations should conspire in the same Platform of *Governments*; so it is most *unreasonable* to seek in *Judea*, *Italy*, or *France*, for the Measures or Properties of the *English* Government, which was made, and is therefore to be found only *at Home*, and should be describ'd rather from its own *Laws* and *Constitutions*, than any fine *Notions* we can conceive of what it might or should be. And if we contemplate the Government it self, we may easily discover what its essential Forms and Properties are; for surely a Government that hath been publickly transacted through so many Ages, and hath made so great a Figure in the world, cannot remain an imperceptible Secret, or an unintelligible Mystery; and I cannot forbear suspecting those, who disguise it with so many Un-

uncertainties and Obscurities, that they design to mislead us into a mistake of that which they will not allow us to understand. A little skill in our *English* History will suffice to inform us, That the *Saxons* and *English*, from whom this Nation is chiefly descended, did first introduce the Form of our *English* Government, and that it was the same they had been inur'd to in *Germany*; where, as *Tacitus* observes, *Regibus nec infinita aut libera potestas*: Kings *had not an Absolute or Unlimited Power.* And from the ancient Records of those early Times we are assur'd, That the *Consent* of the People in a *Convention* or *Parliament*, did always concur to the making of *Laws*; and also their *Consent* in a *Jury* of Peers was always admitted in the Execution of *Them*: Whence the People of *England* have been always acknowledged to be *Free-men*. And tho we read that the *Saxons* were subdued by the *Danes*, yet we find not that their Government was changed, but that, after a short Interruption, the Government and Country returned entirely into the Hands of the *Saxons*. The Duke of *Normandy*, whom we call the *Conquerer*, was *such* only with respect to *Harold*, who usurp'd the Crown, but not with respect to the Kingdom, which he claimed as Successor to King *Edward*, to whom he was related, by whom he was adopted, and from whom he had received a solemn Promise of the next Reversion; and accordingly we find, that tho he made some external Changes in the Government, yet he made no essential Alteration in the Form of it; and the same kind of Government hath been transmitted by succeeding Kings to the present Age, with some *accidental Improvements*, as our Ancestors grew wiser by Experience, or the Necessities and Interests of the Nation did require. Now, inasmuch as our *English* Government was at first transplanted out of another Countrey, and hath been ripened into a Perfection by several degrees through a long tract of Time, it would be very *fanciful* to suppose one solemn time when the *Original Compact* between the King and People was first made, or to ask after a Book in which it is in a certain Form recorded; that Compact being nothing else than a tacit Agreement between the *King* and *Subjects* to observe such common Usages and Practices, as by an immemorial Prescription are become the *Common-Law* of our Government. And to understand these, so far as our present Case requires, there is no necessity that we should read over all the *Records* in the *Tower*, or all the *Volumes* of our *English History*, there being several ancient *Forms* and *Customs* among

Tacit. de morib. Germ. Sect. 3, & 5.

mong us, which fall under easie Observation, that are sufficient to inform us of the Nature of our *English* Government. For when at a *Coronation* we see a *King* presented to the People, and their Consent solemnly asked and given, what can we reasonably infer from thence, but that anciently *Kings* were advanced to their Thrones by the Consent and Agreement of the People? When we hear the King solemnly *Promise* and *Swear* to maintain to the People their *Rights* and *Liberties*, to conserve the *Laws*, and cause them to be observed; must we not conclude from thence, that there are *Rights* and *Liberties* reserved to the People; that the Will of the *King* is limited by the *Law* of the Realm; and that he is bound by *His Oath* to *conserve* the Laws, as we are by *Ours* to *observe* them? When we are taught to call the King our *Leige-Sovereign*, and our selves his *Leige-Subjects*; do not those Terms import, that he is bound to protect Us in *All our Rights*, as we are bound to obey Him in *All his Laws*? When we read in the Preamble of every Statute, That it is enacted not only by the Authority of the *King's most Excellent Majesty*, but also by the Authority of the *Lords Spiritual and Temporal, and of the Commons assembled in Parliament*; is it not very evident from hence, that the *Parliament* hath a share in the *Legislative Power*, which is an eminent Branch of the *Supreme Authority* in this Kingdom? From these, and other such easie Observations, any impartial unprejudiced person will certainly conclude, that our *English* Government, according to its *Essential Constitution*, is a mixture of Three Forms of Government; for he observes a *Monarchy* in the *King*, an *Aristocracy* in the *Peers*, and a *Democracy* in the *Commons*; all which share in *that Part* of the Sovereignty which consists in making Laws. And though our Government be called a *Monarchy*, because That Kind is *predominant* in the Constitution, according to the known Rule, That the *Denomination is to be taken from the Excelling Part*, the King having not only a share in the *Nomothetick* Power, but also the whole *Executive Power* committed to Him; yet we cannot but conclude, from the foregoing Observations, That our *Monarchy* is not *Absolute* and *Unlimited*; that the *Law* is the stated Rule and Measure of our Government; and that the *Law* cannot be made, altered, or annulled, by the sole Pleasure of the King: but as it is the first determinate Rule by which the King is to Govern, and the People to Obey, so it is to be made or chang'd only by the Consent of *Both* in a Parliament. I might confirm all this, by transcribing

ſcribing out of Books ſeveral Teſtimonies which occur in the Declarations of *Parliaments*, in the Writings of *Judges*, and others *Learned* in the *Law*: but as theſe would make a Letter too tedious, ſo they are unneceſſary to an unprejudic'd Conſiderer, and by others would be ſuſpected of partiality to the People of whom they are a part. I ſhall therefore only add the Teſtimony of King *Charles* the I. who of all men had moſt reaſon to ſtudy, underſtand, and aſſert the Rights of the *Engliſh* Monarchy. He freely declares, in his *Anſwer* to the *Nineteen Propoſitions*, p. 96. 'That there be-'ing Three Kinds of Government among Men, *Abſolute Monar-'chy*, *Ariſtocracy*, and *Democracy*; and all theſe having their par-'ticular Conveniences and Inconveniences: the Experience 'and Wiſdom of our Anceſtors hath ſo moulded *This* out of a mix-'ture of *Theſe*, as to give to this Kingdom (as far as Human Pru-'dence can provide) the Conveniences of *all Three*, without the 'Inconveniences of *any One*". He alſo, in the ſame Anſwer, affirms, "That in this Kingdom the Laws are jointly made by a 'King, by a Houſe of Peers, and by a Houſe of Commons". He likewiſe affirms in his Declaration from *Newmarket*, 'That the Law 'is the Meaſure of his Power". And in another Declaration to the Miniſters and Freeholders of the County of *York*, he acknowledgeth, "That his Prerogatives are built upon the Law of the Land.

From theſe and other ſuch Paſſages which frequently occur in the Writings of the *King*, who ſo earneſtly diſputed for the *Rights* of the *Crown*, we may be abundantly convinc'd that the *Engliſh Monarchy* is not *unmixt*, or *unlimited*; and cannot therefore enough admire the lewd preſumption of others, who have dar'd to attempt a change in our *Engliſh Government*, who prefer the extremes of *Tyranny* and *Slavery* to the juſt *temperament* of our *Engliſh Conſtitution*; who have labour'd to tempt our *Kings* into an affectation of *abſolute* and *arbitrary Power*, and have miſerably overlay'd the *Conſciences* of their *Fellow-ſubjects* with a *boundleſs unlimited dread* of a *boundleſs unlimited Power*.

3. There are alſo great miſtakes about the *meaſures* of our *Obedience* and *Submiſſion*, which are neceſſary to be removed before our Conſciences can make a free and impartial determination of the Caſe before us. We have been told it often, and with great earneſtneſs, that we are bound in Conſcience to yield an *active Obedience* to the *King* in all caſes not countermanded by God, and to reſiſt him in no caſe whatſoever. If indeed the two foregoing Errors had

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ſtood the proof, this would have follow'd by neceſſary conſequence: for if a *Monarch* be *jure Divino*, he muſt be *abſolute*; and if he be ſo, there is no caſe, not excepted by God, in which we muſt not *obey* him, and none at all in which we may *reſiſt* him; but then we may make this advantage from the connexion which theſe Errors have one to another, That if one of them be refuted, the reſt much neceſſarily fall with it: and if according to the *Engliſh Principles* premis'd, our Government be founded on the *Conſtitutions* of this Country, and according to thoſe *Conſtitutions* be mixt and limited, then there may be ſome caſes in which it may be lawful for us not to obey the King, and not unlawful to reſiſt him.

For tho it may be true, that we are bound to *obey actively* whatever is commanded by the *Legiſlative Power* of the Kingdom, and is not repugnant to any Law of God; yet we cannot aſſert ſo much with reſpect to the *King only*, becauſe he having not the whole *Legiſlative Power*, an Act of his *private Will* is deſtitute of that *Authority* which can derive an obligation upon Conſcience: altho therefore a King may require things not *inconſiſtent* with the Law of God, yet if they are beyond that *Authority* which the *Conſtitutions* of *England* have aſſign'd to him, his Subjects are not bound in *conſcience* to *obey* thoſe *Commands*; and tho in *ſome caſes* they may *comply* by a *voluntary Conceſſion*, yet they are oblig'd to *condemn* and *withſtand* ſuch proceedings if they increaſe ſo far as to threaten a fatal ſubverſion of the *Government*. But how can we defend our ſelves againſt any exorbitant Acts of the *King*'s private Will, if diſarm'd and fetter'd by the Doctrines of *paſſive Obedience* and *Nonreſiſtance*? what may not a King do, and a People ſuffer, if no defence may be us'd? I do not here forget to conſider what *ſubmiſſion* God hath requir'd to that *Supreme Authority* which he hath inſtituted, or what *honour* and *reverence* we are to pay to thoſe *Governors* who ſuſtain and adminiſter it; nor how *impatient* men ordinarily are of the yoak of *Government*, and how apt to inlarge their *liberty* into *licentiouſneſs*; nor how *pernicious* diſorder and confuſion muſt needs be to any Society; and therefore I uſe the utmoſt Caution I can to ſteer aright amidſt the Rocks on the one hand, and the Sands on the other, that I may not make ſhipwrack of a good Conſcience. I therefore premiſe and ſincerely acknowledg, as I have learn'd from St. *Paul*, that *Every ſoul muſt be ſubject to the Supreme Authority which God hath inſtituted, and that if he reſiſt, he is worthy of condemnation:* and according

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to S. *Jude*, that we must not *despise dominions, or speak evil of dignities*; and that those untameable Spirits which are impatient of Government, are like *wild Beasts made to be destroyed*. I have also learn'd from S. *Peter*, to *submit to every ordinance of men for the Lord's sake, whether to the King as supreme, or to Governors sent by him*, so as not to *disobey* or *resist* them in the use of that *Authority* which the *Constitutions* of the Kingdom have *assigned* to them. I have from the same *Apostle* learned farther to be *subject with all fear, not only to the good and gentle, but also to the froward*: so that if a King in the administration of his Government should be too *sparing* in his *Rewards*, and over *severe* in his *Justice*; if too hard to be pleas'd, and as hard to be propitiated, I must be contented; if he injure me in my *private interests*, I must rather *submit* than oppose a *private* to a *publick* good; or if the *publick* Affairs of the Kingdom sustain any detriment or mischief from his Male-administration, yet if it be such as will consist with the *being* of the Government and the *Safety* of the People, it should rather be born *patiently*, than redressed by a *violent* opposition. I acknowledge also that in all cases not certain and notorious, the Subject ought to presume the *Right* to be rather on his *Prince's* side than on his *own*; and never to think any oppressions *intolerable* till they are *evidently* such, or to call for a *violent* redress, till they appear otherwise *irremediable*. I must acknowledge also that I can see no Right the Subject hath from the *Law* of God or Man, to use any other resistance against a *King* than what is *defensive*, or to proceed *judicially* against him, or to inflict any punishment on his Person for any defaults of *Government*, because there can be no *Authority* in our Kingdom superior to that with which the King is invested. Yet after all these concessions it must be confess'd that the *Regal* Power being in its Constitution *limited*, and in its Exercise liable to be *abus'd*, there may such cases happen wherein a *defensive resistance* may be not only *lawful*, but a *necessary Duty*. And if we may not *lie for God*, much less may we do it in *flattery* to any *Man*; and if Subjects may not be defrauded of their *Estates*,

no more should they be of their *Liberties*, to prevent their *abuse* of them. Wherefore to speak out plainly, and honestly in a case wherein *Conscience* is so much concern'd, I must add, that we are not bound in Conscience to yield *Passive Obedience* to the King any farther than that *Regal Authority* extends, which the *Constitutions* of this Kingdom have invested him with; and that those *Constitutions* do not *impower* him to *treat* his *Subjects* according to his own *private Will*, but according to the *publick* rule of the *Law*; and by consequence, whatever grievance is *without* or *contrary* to *Law*, the Subject is not bound in Conscience to bear it, with respect to the *King* who had no *authority* to impose it, though he may *be* sometimes, with respect to the publick Peace; and if *Officers* be appointed by the King to *oppress* his Subjects *contrary* to Law, their *Commissions* being *illegal*, must be without *authority*: and therefore the Subject is not bound in Conscience to submit to them, but may *resist* their *injust assaults*, if he cannot otherwise *evade* them, and do not disturb the *Publick Peace* by the defence of his *private Interests*. And if we may suppose a case *so* sad, as that a King through ill *counsel* or some strong *temptation* should be changed from a *Father* into the *Enemy* of his Country; and should with an immoveable obstinacy ingage himself in such *illegal* designs, as plainly and inevitably tend to the *Subversion* of the *Government* and the *Destruction* of the People; his Subjects in such *unhappy circumstances* will be *excusable* before God, if they use so much *defensive resistance* as he hath made necessary for preserving the *Government* and *themselves*: For if in Nature a People is presupposed to Government, and Rulers are intended by God for the welfare of a People, and not a People for the pleasure of their Rulers, it will be most reasonable to infer, that when the End and the Means become inconsistent, the End should be preferr'd, and those Means prevented or rejected, which would destroy the End they should promote.

But

But these things are so easily anticipated by the common *sense* and *reason* of mankind, that there needs no long discourse about them; and they are indeed too *irksom* to an ingenuous mind to dwell long upon them: and though our *extraordinary case* at present hath made it *necessary* to say so *much*, yet I hope a like *case* will never happen again, to give occasion to Subjects to consider so *minutely*, the limits of the *Regal* Power, and of their own *submission*.

2. Having now rescued our *Consciences* from the prejudices of the foregoing *Errors*, we may be capable of making an impartial judgment of the case propounded, *Whether we can with a good Conscience transfer our Allegiance from the late to the present King? Allegiance* in its primary general sense signifies, being *obliged* or *bound*; in its political sense it imports that kind of *relation* which refers a *Subject* to his *Prince*, and by consequence it connotes the *duties* which result from that *relation*: And taking the word in its fullest latitude, there will arise these two difficulties to be distinctly resolved.

1. Whether our *Consciences* are *discharged* from *Allegiance* to the *late King*?

2. Whether we can with a good Conscience transfer our *Allegiance* to the *present King*, though not the immediate *Heir* of the Crown?

1. In resolving the former enquiry it will be necessary to premise, that our *Allegiance* to *James* the Second was not to his Person *absolutely*, but *respectively*, as he sustain'd the Character of *King*; and therefore as we ow'd no *Allegiance* to him before he was *King*, so neither can we owe him any now, if he *cease* to be so; and I think it too plain to need any proof, that it is possible that a person may cease to be King, though he still survive; and

that a relation ceaseth when one of its Terms is lost. If therefore it appears, That *James* the Second doth cease to be our *King*, though he be still alive, our *Allegiance* to him will be sufficiently discharged; and that he doth cease to be our *King*, may, I suppose, be evinc'd from the following Considerations.

1. If *James* the Second did with an *immoveable obstinacy* ingage himself in such *illegal* and *pernicious* designs as were *notoriously subversive* of the *Government*, and *destructive* of the *People*, he did thereby cease *de jure* to be our King, and our *Allegiance* to him is by consequence discharg'd. The Title of *King* includes both an *Office* to be discharg'd, and an *Estate* to be injoy'd, but the latter is an *appendant* to the former; when therefore he ceaseth to *govern* and *protect* his People according to the Laws of this Kingdom, his *Right* must so far cease to that *Power*, *Dignity*, or *Revenue*, which were assigned to him for that end, except we can imagine some things to have a *moral* power of *subsisting*, when the reason of them is gone. And as the *Office* of the *King* is directed by the publick rule of the *Law*, so the *right* which any person can have to the *Regal Estate*, must be founded on the *Constitutions* of the *Realm*; and these *Constitutions* must either invest him with an *absolute Right* irrespective to his Office, and then he would be an *absolute Monarch*, which is before disprov'd; or else it must be a conditional Right, respecting the *Office* he is to discharge, and then the *Right* in *Equity* must cease, upon the non-performance of the condition: Supposing also that a Person's *Right* to the *Regal* Estate be founded on the *Civil Constitutions* of our *Government*, if he will set himself to *subvert* those *Constitutions*, he cannot thereby but *Undermine* and *Destroy* his own *Right* which was *superstructed* on them. And if he obstinately refuse to discharge the *Regal Office* according to the proper fixt rule of the Law, though he still usurp the title of *King*, yet he is become quite *another thing*, such as our *English* Constitutions

stitutions assign no *Authority* to, and to which we are not supposed to owe any *Allegiance*, and which we cannot *recognize* without becoming *Accessaries* to the most illegal practices, and deriving on our selves the heinous guilt of contributing to the ruine of the Government and our Selves.

And as such a determination of the Case is most consonant to reason, so it is most agreeable to the antient principles and practices of *England*. By a Law made in King *Edward* the *Confessor*'s time, it is declared, *That if a King doth not perform his Office, he shall not retain so much as the name of a King.* We read also that * *Sigebert* King of the *West-Saxons*, being *incorrigibly Proud and Wicked, he was, in the beginning of the second year of his Reign, by the Nobles, and the People of the whole Kingdom assembled together, upon mature deliberation, and by unanimous consent of them all, driven out of his Kingdom.*

Quod nisi fecerit, nec nomen Regis in eo constabit. Lamb. *de priscis Anglorum legibus p.* 142.

* *In principio secundi Anni Regni sui cum incorrigibilis superbiæ & nequitiæ esset, congregati sunt Proceres & Populus totius Regni & eum provida deliberatione à Regno unanimi consensu omnium expellebant.* Collect. *p.* 769. &c.

Thus also *King John* having broken his *Coronation-Oath*, and endeavour'd by many ways to *inslave* both the *Church* and the *Realm*, after many applications, and a defensive War waged by the Barons against him, it was at last *agreed*, that *if he did again return to his former wicked Courses, the Barons should be for ever releas'd from all Allegiance to him; and when he afterward relaps'd into the same courses, they in a general Assembly with the approbation of all the Realm, adjudg'd him unworthy to be King.*

Inter cætera, de ejus expresso consensu, ita convenit, ut si idem Johannes *ad flagitia prima rediret, ipsi Barones ab ejus fidelitate recederent, nunquam ad eum postmodum reversuri. Cum autem ille fecit novissima sua pejora prioribus, illi de communi Regni Consilio & approbatione ipsum Regno indignum judicarunt.* Collect. 1868. &c. Chron. W. Thorn.

We

We find also that King *Edward* the Second for following Evil Counsel, and refusing to hearken to good counsel, for his pride and arrogance, for breaking his Coronation Oath, for wasting his Kingdom, and being found incorrigible and past all hopes of amendment, was by *advice and assent of all the Prelates, Earles and Barons, and of the whole communitie of the Kingdom depos'd from the Government.* I shall add only one instance more of King *Richard* the Second, to whom his Parliament sent Messengers to declare to him, among other things, *that they find in an antient Statute, and it hath been done in fact not long ago, that if the King through any evil counsel, or foolish contumacy, or out of Scorn, or some petulant wilfulness, or any other irregular way shall alienate himself from his people, and shall refuse to be govern'd and guided by the Laws of the Realm, and the Statutes, and laudable Ordinances thereof, together with the wholsome advice of the Lords and great Men of his Realm, but persisting headstrong in his own mad counsels, shall petulantly prosecute his own private humour, that then it shall be lawfull for them with the common assent and consent of the people of the Realm, to depose that same King from his Regal Throne, and to set up some other of the Royal Family in his place.*

De Consilio & assensu omnium Prelatorum & Baronum & totius Communitatis Regni amotus est à Regimine Regni. Apolog. Adami. de Orleton Collect. *p.* 2765.

Habent in antiquo Statuto, & de facto non longe retroactis temporibus experiuntur, quod dolendum est, habito, Si Rex ex maligno consilio quoquomodo, vel inepta contumacia, aut contemptu, seu proterva Voluntate singulari, aut quovismodo irregulari se alienaverit à à populo suo, nec voluerit per jura Regni & Statuta ac laudabilis Ordinationes, cum salubri consilio Dominorum & Procerum Regni, gubernari & regulari, sed capitose in suis insanis consiliis propriam Voluntatem suam singularem proterve exercere, extunc licitum est iis, cum communi assensu & consensu Populi Regni, ipsum Regem de regali solio abrogare, & propinquiorem aliquem de stirpe Regia loco ejus in Regni solio sublimare. H. Knighton Collect. 2681.

The present Case stated.

These Testimonies which I met with in a late *Pamphlet*, and which I am assur'd from an able hand to be *faithfully* recited, and of an *unsuspected credit*, I have *abridg'd* and *transcrib'd*, to confirm that *truth* on which the *Argument* is built, that according to our *English Constitutions*, a person may *forfeit* his *Regal Rights*, and cease *de jure* to be *King*, and that according to the *antient Statutes* and *irreprovable Usages* of this Country, the *Nobles* and *Commons* of *England* may

remove

remove ſuch a perſon from the *Government*, when *neceſſary* to prevent a *general* ruine otherwiſe *inevitable*. Now that the *late King* had brought matters to ſo great an extremity, as is in the *Argument* ſuppos'd, is evident from many inſtances ſo recent and notorious, that it was lately acknowledg'd by all of us in the lowdeſt Complaints. We ſaw him attempting to ſubvert our Parliaments, by *corrupting* their *Elections* with the meaneſt arts, and uſing his power to *pervert* or *fruſtrate* their counſels. We heard thoſe high ſtrains in which he claim'd an abſolute and arbitrary Power, our *Laws* were trampled on in *illegal diſpenſations*, and the moſt *partial Execution*; Some were diſſeiſed of their *Freehold* without a trial, and *levies* of Mony were made *without* and *againſt* Law; Our *Religion* and *Church*, which are the beſt of all thoſe intereſts which are ſecured to us by a legal Eſtabliſhment, were ſo boldly threatned and attacked, that we ſeemed to enjoy them but precariouſly, and to be in danger of ſeeing them ſpeedily raviſh'd from us. And when we conſider that the *late King* was *inſtigated* and conducted in theſe exorbitant courſes by the *Jeſuits* and the *French King* who have long ſince convinced the World, that they dare to perpetrate any miſchief or wickedneſs that will advance their glory, and promote their intereſts: When alſo we conſider that he proceeded in theſe courſes with ſo *obſtinate* a *reſolution*, that when his *Peers* indeavoured to *reclaim* him by *advice*, they only thereby loſt his *favour* and all their *Preferments*; and when ſome of his *Biſhops petitioned* him in the *humbleſt* manner, they were anſwered only with *fury* and *impriſonment*: When laſtly, we conſider how *far* he had advanc'd in this *way*, that we already began to *deſpair*, and our Enemies to *triumph*; and if our *Glorious Deliverer* had not timely intervened, we might have been, in a few months, paſt all hopes of Recovery; We may ſurely upon theſe conſiderations be allowed to conclude, That *England* could not be in more danger, or any *Prince* lie under juſter exceptions, or a people be more diſoblig'd from their *Allegiance*. There are ſome who ſay, that if the *League* with *France*, the *Impoſitive*

posture of a *young Prince*, the *Murder* of the *Earl* of *Essex*, *&c.* were clearly proved, they should not be able to contain themselves from renouncing all *Allegiance* to him; But though these may perchance be proved in due time, yet if they never are, there is certainly enough and too much besides to satisfie any reasonable Man.

2. If *James* the Second *deserted* the Kingdom without any *necessity* but what he induced on himself, and if he made no provision for the administration of the *Government* in his absence, but by taking away the publick *Seals* and cancelling the *Writs* of *Parliament*, design'd to obstruct all regular proceedings; and if also he hath put himself into the hands of the *French King* the greatest Enemy of our Religion and Country, *without whom* he cannot *return* to us, and with *whom* he cannot *return* without apparent *ruine* to his *Kingdom*, he doth thereby cease *de facto* to be our *King*, and we become discharged from all further *Allegiance* to him. I suppose few would hæsitate in granting such a conclusion, if the *Late King* had by a *writing* under his *hand* and *seal* solemnly *abdicated* the *Government*; but I know not what mighty force there is in a *form* of *Words* for *renouncing* the *Government*, that it may not be as effectually performed by a *proper* and *notorious* fact; or that a *King* may not as well *renounce* his *Crown* by *doing* it, as by *saying* it; and it is the thing it self and not the way of *expressing* it, which is the ground on which the relation between a *King* and his *Subjects* is *dissolved*; and therefore if a *King* doth actually desert his People, his Government and their Obedience must thereupon *actually* cease. You would perchance easily allow the argument, if the King had withdrawn *deliberately* and of *choice*, but it is said that he was rather hurried out of his *Kingdom*, by force and fear. It will be therefore necessary to relate to you the History of that transaction, which according to the truest account that I can meet with, is this: When the *King* went hence the first time, the *Prince* and his *Armie* were at a great distance, and a Treatie between them was *pretended*, but he left the City before his *Commissioners* could return

return with an *Answer* to his *Demands*; and it is certain that the Treaty was but a deluſive Pretence, and that his Departure was reſolv'd on ſome Days before; for he himſelf declar'd to a Perſon of Credit, that the *Queen* had obtained from him a Solemn *Oath* upon the *Sacrament*, on the *Sunday*, that if ſhe went away for *France* on *Monday*, he would not fail to follow her on *Tueſday*: Which he accordingly attempted, and we are very well aſſur'd, that tho his *Subjects* uſed ſome *Force* to *hinder* his *Flight*, yet they uſed none to *compel* him to it. When he left this *City* the ſecond time, he receiv'd a Meſſage from the *Prince*, which deſir'd him to withdraw ſome few Miles from *London*, leſt the *Army* coming thither, and *Whitehall* being throng'd with *Papiſts*, ſome Diſorders might thence riſe, not conſiſtent with the *Publick Peace* or the *Kings Safety*; but we are ſure that it was altogether of his own *Choice* that he went firſt to *Rocheſter*, and thence out of the Kingdom.

If you reply that the *late King* being *deſerted* by his Subjects, and expoſed naked to the *Prince's Power*, was brought under a neceſſity of *flying*. I muſt anſwer, that that *Neceſſity* was not *abſolute*, but *conditional*: For the *Prince* (to whom he lately allowed the *Character* of being always *Juſt* to his *Word*) had aſſur'd him in his *Declaration*, that if he would ſuffer the *Grievances* of his People to be redreſs'd in a Free *Parliament*, his *Army* ſhould peaceably depart. And not a few of his *Nobles*, and *others*, did earneſtly beſeech him to comply with thoſe Terms, and ſolemnly *aſſure* him that in ſuch a Compliance, they would faithfully adhere to him. If therefore the *late* King would have return'd to the *Engliſh Government*, he need not have left the *Kingdom*: but if he *choſe* rather to *depoſe* and *baniſh* himſelf, than *acknowledg* and *correct* the *Errors* of his *Government*, or let fall thoſe *glorious Projects* of advancing *Popery* and an *Arbitrary Power* in *England*, we have no Reaſon to think ſuch a *wilful Neceſſity* which he impoſed upon himſelf, a ſufficient Excuſe for *deſerting* his *Kingdom*, but rather to conclude, that if he would rather leave us, than leave off to oppreſs us, we are happily releas'd from our *Allegiance* and *Oppreſſion* together. Yet if we ſhould impute his *Flight* rather to the *weakneſs* of his *Fear*, than to the *obſtinacy* of his *Reſolution*; I do not ſee how the ſame Concluſion can be avoided. For if he leave off to adminiſter the *Government* himſelf, and rather *hinder* than *promote* its *Adminiſtration* by *others*, the courſe of the *Government* is thereby *ſtop'd*,

and either this Nation must *disband* into *Confusion*, or we are necessitated to seek out and imploy some other *Expedient*. If you think that he might in short time *overcome his Fears*, and *return* to his *People* and *Government*, even this *Hope* is fatally precluded, by his making himself a *Royal Prisoner* to the *French King*, from whom he can expect only, to be *used* and *managed* as will most contribute to the *Designs* and *Interests* of that Haughty *Monarch*; insomuch that we cannot conceive his *Return possible*, without the *Consent* and *Conduct* of *Him* whom he hath made his *Patron*, and without the dreadful attendance of a *French Army*, and the dismal Consequence of utter Ruine to our Church and Nation. And surely that *Prince* who can forsake his People, and abandon them out of his Care, and make it impossible to return, except as an Enemy to vanquish and destroy them, may very well be thought to cease *de facto* to be a *King*, and his *Subjects* to owe any *Allegiance* to him.

3. If the *Lords Spiritual* and *Temporal* and the *Commons* of *England* assembled in the late *Convention*, have upon mature Deliberation resolved and declared, that *James* the 2*d* hath *abdicated* the *Government* and *vacated* the *Throne*; we may be satisfactorily confirm'd from their *Authority* and *Judgment*, that he ceaseth to be our *King*, and we to be his *Subjects*. That they have fully and expressly asserted so much, I need not prove; and their Testimony is so *proper* and *authentick* in the present case, that we may with good Reason suffer our selves to be concluded by it. For the matter of the Enquiry consists of several ancient Laws and customary Usages of this Kingdom, of which the two Houses are the most competent *Judges*; and they representing the whole Nation, and being by our *Choice* commission'd to *consider* and *determine* this *Case* for us, we cannot with any *Modesty* or *Equity* reject their *Determination*. If also we consider, that in all Cases of a like Nature, the *Nobles* and *People* of *England*, by their Representatives, have *usually* and *finally* determin'd them; and that upon the late King's withdrawing, the chief Power of the Nation could reside no where rather than in the two Houses, it seems according to our *English Constitutions*, to be the *Duty* of *private* Men to submit to such a *publick* Judgment. And indeed, if such a solemn *Assembly* of the three *Estates* of the *Kingdom*, after a long and serious *Consultation* upon the Case, shall not be thought sufficient to *determine* it, I wonder who can, or may do it? For as particular Persons are less capable of making so exact a Judgment, so if

every

every one should undertake to decide it, we must be reduc'd thereby into a helpless state of utter Confusion.

Secondly, The other Difficulty in the present Case to be consider'd, is, Whether we may *lawfully* transfer our *Allegiance* to the present *King*, he being not the *next immediate Heir*? I may here presuppose that our *present King* is *acknowledged* by the *World* to be so eminently indued with all *Royal Virtues* and *Abilities*, and to have obliged the *Gratitude* of this *Nation* with so *glorious* and *happy* a Deliverance; that every *wise* and *good* Man among us cannot but be ready to address an hearty *Allegiance* to him, if it can appear *lawful* for him to do so; and where the *Heart* is so well inclined, it will not be difficult to convince the *Judgment*, if we consider these few Particulars.

1. That according to our *English Constitutions* it is not necessary that the next *immediate Heir* should succeed. For if we review in *History* the ancient *Usages* and *Practices* of our Country, which are the *Common Law* of our *Government*, we shall find, that, tho the *Crown* hath been usually appropriated to the *Royal Family*, and in that Latitude is said to be Hereditary; yet it hath very frequently passed over the next *Heir* to some other Branch of the Family, which was thought more capable of promoting the publick Ends of the *Government* in its present Circumstances: And we find no publick Censure ever passed upon such a King, or his *Authority* and *Government* in the least disabled thereby. And to make this matter unquestionably *evident* to any Man who is not far gone in the *Conceit*, that the *Inheritance* or *Succession* of the *Crown* is *Jure divino*, I add that the *Kings* of *England* have been allow'd by the whole *Legislative Power* of this Nation to dispose of the Crown by their Nomination, which, as it *may* suppose that they would not give it out of the *Royal Family*, so it *must* suppose that it was not necessary it should descend to the immediate *Heir*; for he being determined by *Nature*, could receive no Advantage from such a Nomination. This particularly it was allow'd to *Henry* the Eighth, and he, according to the Statute in that behalf, setled the Crown on his Son *Edward*, and the Remainder on his Daughters *Mary* and *Elizabeth*, both which could not be Heirs: And we find it also enacted in the 13th of *Eliz.* that whoever should maintain in her Time that *she* and her *Parliament* might not limit the Descent of the Crown, should incur the Guilt of High-Treason, and after her Life, the

Forfeiture of his Goods. From which Authentick Testimonies we cannot conclude less, than that it is not necessary that the next *immediate Heir* should always succeed.

2. Let us consider that our *Allegiance* being removed from the late *King*, it must be referr'd to some other Person, and we can think of none for whose sake we may justly deny it to the present King. The pretended *Prince* of *Wales* lying under such a general and vehement suspicion of being an Impostor, and being at present under the Conduct and disposal of the *King* of *France*, we see in him more Reasons to *dissuade* than *invite* our *Allegiance*. Our present *Queen*, who is the next *immediate Heir*, is not pretermitted; and tho she hath a *Consort* in the Royal Dignity, yet he is such as was by *Marriage* become one with her, and who was admitted to the *Partnership*, not without her *Advice* and *Consent*. And the *King* himself being a Branch of the *Royal Family*, not far removed in the Succession, and who by the late *glorious Enterprize* hath retrieved the *Right* of both the *Royal Sisters*, and secured the *Government* it self from *Subversion*, it cannot but seem very *indecent* and *unjust* to *overlook* him in our *Allegiance*. If, lastly, we consider that the *Protestant Interest* in *Christendom*, and the *Civil* Interests of our own *Nation*, and of some of our best *Neighbours* are at present in most *imminent* and *extraordinary* Danger, which in Human Probability is not to be *avoided* but by the *Prowess* and *Conduct* of this *Illustrious Prince*, whom God hath by a *Special Providence* raised up among us; we cannot but conclude, that the *Series* of *Providence*, and the *Necessity* of *Affairs*, have determin'd our *Allegiance* to His *Majesty*; and that they seem to be unreasonably nice, who can sacrifice such *great Interests* to an *empty Formality*.

3. The great Council of the Nation having *actually* invested our *King* with the *Royal Dignity*, he hath thereby a *Right* to our *Allegiance*, and according to the *Laws* of this *Realm*, we become *punishable* in refusing it, and are *indemnified* in performing it, altho his antecedent Title to the *Crown* may not be such as to exclude all Exception. So great an *Article* of *State* as this can be fit to be decided only by the Wisdom of the Nation in the most Solemn *Assembly*; and when so decided, *ought* to be submitted to by all *private Persons*, or all *Settlement* must be an *impracticable* thing: and if our *Laws* should not be *executed* according to such an *authentick* Determination, the *Government* seems to be at a stop, beyond

yond all hopes of reviving into Motion. I wish that they who *pretend* or *perplex* their *Consciences* about such Affairs, would consider seriously whether they are *proper* or *capable Judges* of such Matters, and whether their *Consciences* may not be better *conducted* by the Resolution of *such* as *are*; whether they behave themselves as becomes *private Persons*, who *oppose* their *Sentiments* to the *publick Judgment*, or whether any *Government* can subsist if such a *Presumption* be not restrained? For my own part I am verily perswaded, that in all *Civil* Cases, decided by their *proper Judges*, my Conscience ought to acquiesce, and if I may be thereby misled into any *Error*, it will be without *Guilt* before God. And I am also *inform'd* that by a Statute made 11 *Hen.* 7. we are legally *indemnified* in paying our *Allegiance* to the *King in being*; if we continue *faithful* therein, however infirm his Title may afterwards appear; and therefore I cannot see what *Danger* can *affright* us from our *Allegiance*, or with what *Safety* we can refuse it.

Thirdly, I have now given you my *Resolution* of the chief *Difficulties* in the Case propounded, and the *Reasons* on which it is built; and I can think of nothing more requisite to your Satisfaction, except to shew how this *Resolution* doth consist with all the Obligations which may affect a *good Conscience* in the present Case; which are, I suppose, chiefly these three, *viz.* the Prescriptions of that *Holy Religion* we profess; the Solemn *Oaths* we have taken, or the *Declaration* we have subscribed; and the avowed *Principles* and *Doctrines* of this *Church* in whose Communion we live.

1. As to the first. The *Rule* of our *Religion* being the Holy *Scriptures*, nothing can be *inconsistent* with one, which is not *repugnant* to the other; and according to the best of my Understanding, the principles I have proceeded upon, do not disagree with any Sacred Text, rightly interpreted. The first King of *Israel* we meet with in the Old Testament is *Saul*, who was advanc'd to the Throne as well by God's *Institution*, as the Peoples *Election*, and who was according to the Peoples desire, an *absolute Monarch*, like the other *Kings* in those *Eastern Countries*: But this, thanks be to God, is not our Case, who live under a *mixt Government*, and a *Monarchy* limited by the fundamental Constitutions of this Realm. And yet

I cannot but observe how *David* (who is usually prescribed as an eminent Pattern of Loyalty) thought it lawful to raise a band of Souldiers for a *defensive Resistance* against the *unjust Persecutions* of *Saul*, tho an *absolute Prince*; and surely we may conclude a *minori ad majus*, that such a *defensive Resistance* cannot be less *lawful*, when apparently *necessary* to preserve a *whole People* from *imminent* Ruine. I remember our Lord's determination, that his *Kingdom is not of this World*: and as I think we rightly infer from thence, that there is no *secular Force* belonging to his *Kingdom* for *inlarging* its Borders, or *securing* its Interests; so I can see nothing in these words to hinder, but that when any of the *Kingdoms* of this World is become the *Kingdom* of *Christ*, by incorporating his Religion among its civil Constitutions, then we may use any Expedients for the defence of our *Religion* which we might use in defending any other *Privi-ledges* of our *Civil* Establishment. Our Lord hath taught us, *to render unto Cesar the things that are Cesar's*; and his Apostle, that *we must render to all Men their Dues, Tribute to whom Tribute is due, Custom to whom Custom, Fear to whom Fear, and Ho-nour to whom Honour*; but they have left us to the Constitutions of our Country to determine, what the things of *Cesar* are, what *Custom* and *Tribute* is due, and when to be paid. I have already had occasion to consider the Doctrine of St. *Paul* and St. *Peter* concerning our duty of Submission to the *Supreme Authority*, and to those who administer it; And upon the general review of the whole, he seems to me to do the part of a *good Christian* as well as of a *good Englishman*, who hath on his Mind an awful regard for the *Supreme Authority* which is of divine Institution, who will not refuse an *Active Obedience* to the Laws of our Legislators, if consist-ent with the Laws of God; who can readily submit to the *King*, and to those that are *commission'd* by him, in the *Execution* of those *Laws*; who pays the highest *Civil Honour* to the *King* as the *Su-preme Magistrate* of the *Kingdom*; who makes the most candid and honourable Constructions he can of all his *Princes* Actions; who can quietly submit to any acts of Government, tho they seem very unjust and grievous to his private Interests; and who never thinks a *defensive Resistance* lawful but when apparently *necessary* to save a *Kingdom* from utter Ruin. He that can do all this, is a good Pro-ficient in his *Religion*, for he will find it not very easy to Flesh and Blood to go so far. But they who are not content with any Notion

of

of Religion which will not expose to ruin the Kingdom that embraceth it, do but *traduce* our holy *Religion*, and expose it to the *Contempt* and *Hatred* of the World.

2. Let us next consider how the *Resolution* I have given, will consist with the *Oaths* we have taken, and the *Declaration* we have subscribed. You will here give me leave to premise that the *Forms* we have *sworn* or subscrib'd, are not to be taken carelesly according to the *meer sound* of words, but are to be understood according to the *Sense* which they plainly express, and which appears to be intended by our *Superiors* in imposing them. And if we consider our *Oaths* and Declaration according to this *Rule*, we shall discover that they have brought upon us no new degree of *Allegiance* or *Subjection*, which was not always due according to the ancient Fundamental Constitutions of this Kingdom; that we have hereby lost none of our English Rights and Liberties; nor the *King* inlarg'd his *Prerogative* beyond what it always was and ought to be; and therefore if according to the ancient *Constitutions* of this *Kingdom*, the Government is mixt and the Monarchy *limited*, so it continues. If the Freemen of *England* were before these *Oaths* bound to no *Active* or *Passive* Obedience beyond what the Law of the Land prescribes, they are bound to no more since; and if it was formerly *lawful* for the People of *England* in an extreme necessity, to remove a *King* whose *Government* was became inconsistent with the Publick-Weal, and to set up another by whom the publick Interest may be secur'd, it is as *lawful* still notwithstanding these *Oaths* we have taken, or the *Declaration* we have subscribed. And to evince this more satisfactorily, let us descend to Particulars.

1. The *Oath* of *Supremacy* prescribed 1 *Eliz.* doth plainly appear from the *Preamble* and *Body* of the *Act*, and from all the parts of the *Oath* it self, to be intended only for asserting to the Queen a *Supremacy* over *Ecclesiastical* Persons, and in *Ecclesiastical* Causes, in opposition to the pretentions of the *Pope* and *Court* of *Rome*. When therefore it speaks of bearing *Faith* and true *Allegiance* to the *Queen*, and her *Heirs*, and lawful *Successors*, it is in opposition to all *Foreign* Jurisdictions, Powers, Superiorities and Authorities; and when it speaks of our assisting and defending her *Jurisdictions*, *Prehemincncies* and *Authorities*, it is only of such as have been *united* or *belonging*, or *united* and *annexed* to the Imperial *Crown* of this

this *Realm*: And that no new Power was hereby given to the *Queen* is evident, for when she was inform'd that this was by some pretended, she caused a Paper to be printed, called *An Admonition to simple Men deceived by the Malicious*, in which she declares, "That "she would have all her loving Subjects understand, that nothing "was, is, or shall be meant, or intended by the same Oath, to have "any other Duty, Allegiance or Bond required by the same Oath, "than was acknowledg'd to be due to *Hen.* 8. and *Ed.* 6. —— and "that her Majesty neither doth nor ever will challenge any other *Au-*"*thority* than what was challeng'd and lately used by the said Noble "King of Famous Memory, which is and was of ancient Times due "to the Imperial Crown of this Realm; that is, under God to have "the Sovereignty and Rule over all manner of Persons born within "these Realms, Dominions and Countries, of what Estate either "Ecclesiastical or Temporal soever they be; so as no other Foreign "Power shall or ought to have any Superiority over them. And to render this Exposition of the *Queen* more Authentick, we find it confirm'd by an Act of *Parliament* 5 *Eliz.* wherein is this *Proviso*; "Provided also, That the Oath expressed in the said *Act*, "made in the said First Year, shall be taken and expounded in "such Form, as is set forth in an Admonition annexed to the "*Queen's Majesties* Injunctions, published in the First Year of her "Majesties Reign; That is to say, to confess and acknowledg in her "Majesty, her Heirs and Successors, none other Authority than that "was challenged and lately used by the Noble King *Hen.* 8. and "*Edw.* 6. as in the said Admonition more plainly may appear. I think we may be abundantly satisfied from so express a Testimony both of the *Queen* and *Parliament*, that the Oath of *Supremacy* hath asserted no *new Power* to the Crown, nor deriv'd any *new Allegiance* on the Subject, but hath only ingaged him to pay that Fealty, which an *Englishman* did always owe to his Prince; and if that be all, it doth no way contradict the Positions above asserted.

2. The Oath of *Allegiance* appointed by an Act 3 *Jacob.* 1. doth manifestly appear in the Body of the Act, and of the Oath it self, to be intended, not for making any new *kind* or *degree* of *Allegiance*, but only for asserting the old *Allegiance* of an *Englishman* against the novel Doctrines and Practices of the *Pope* or *Court* of *Rome*, which pretended to a

Power

power of *Excommunicating* and *Depoſing* Kings, and of *releaſing* Subjects from their *Allegiance*, and of *beſtowing* this Kingdome on ſome other *Prince* at the *Popes* pleaſure. And that this *Oath was* intended only to aſſert our *Allegiance* in oppoſition to ſuch *Popiſh* pretences, is evident from hence, that the *Oath* was at firſt *appointed*, and for ſome years was requir'd, *only* of *known* or *ſuſpected Papiſts*. And an *Act* of *Parliament* following 7°. *Jac.* I. declares concerning this *Oath*, that it is *limited and preſcribed, tending only to the Declaration of ſuch Duty, as every true and well affected Subject, not only by bond of Allegiance, but alſo by the Commandment of Almighty God, ought to bear to the King his Heirs and Succeſſors.* We find alſo that King *James* doth profeſſedly aſſert and defend no more in his Apology for this Oath, and in the *Act* of *Parliament* juſt before cited, that *Apology* is approv'd and commended: And it being in that very *Act* requir'd that this *Oath* ſhould be *Adminiſtred* not only to *Papiſts*, but alſo to all others his *Majeſties* Subjects, we cannot conceive that our Legiſlators *underſtood*, or *intended* it in any other, than that *limited* and *preſcribed* ſenſe they had before acknowledged. From hence therefore we may infer, that this *Oath* doth ſecure the *King* againſt all *Popiſh pretenſions*, but not againſt the *Engliſh* conſtitutions; and that the *Allegiance* we have ſworn is no more than was *antecedently neceſſary* from thoſe conſtitutions, and by conſequence that if according to thoſe *Conſtitutions* a King may be *removed* from the *Government*, and his people be *releaſed* from their *Allegiance*, ſo they may be ſtill, notwithſtanding any thing *expreſs'd*, or *intended* in the Form of this Oath. But now if ſome among us (which I fear is the caſe of many) do miſtake the matter of this Oath, and think they have Sworn to another *kind*, or higher *degree* of *Allegiance* than our Legiſlators intended, they cannot but thereby *intbral* their *Conſciences* with great perplexities; and can no other way find Eaſe, than by ſtating the *Obligation* of their *Oath*, according to the intention of thoſe Superiours who impos'd it; and this may relieve them, for I ſuppoſe that

tho' a Man may thro' mistake suppose his Obligation to be greater than it is, yet that a *promissory Oath* doth really oblige him no farther, than the party by whom the form of his *Oath* was prescribed, and he to whom it was made, may be reasonably suppos'd to intend and require. Thus for instance, if a Man thinks he hath sworn *Allegiance* to the *person* of him that is *King*, so as to be bound to him, whether he Administer the *English Government*, or set up another quite *contrary* to it; or that it obligeth him to obey the Acts of a *Kings private Will*, tho' without and contrary to *Law*; or that his *Allegiance* is not *terminable* but by death, altho' the person to whom he Swore, may long before cease *de jure*, or *de facto* to be *King*; and to mention only one case more, which I observe to be somewhat common, if any thinks, he hath sworn such an *Allegiance* to the *Kings Heirs*, and *lawful Successors*, as obligeth him in *Conscience* to find out who is the *next immediate Heir*, to assist him in acquiring the Crown, and to pay subjection to him and to no other; altho' the great *Council*, or the whole *Legislative power* of the Nation should see reason to determine otherwise; In these and other such Cases, it is plain that our *Consciences* are intangled, not with the *real Obligations* which are upon them, but with our *mistakes* about them; that we conceit an *Allegiance* which our Ancestors never knew, and our *English Constitutions* do not require or allow.

3. The *Declaration* we have subscribed according to the Act in 14 *C.* 2. is in these Words, *That it is not lawful upon any pretence whatsoever to take Arms against the King; and that I do abhor that traiterous position of taking Arms by his Authority against his Person, or against those that are Commission'd by him.* Which *Declaration* may be consider'd, in the present case, either as it expresseth our *own* judgment, or as it expresseth the judgment of our *Legislators*, who requir'd it. As it is *our Declaration*, it can only import, that when we subscrib'd it, our judgment was really such, as we then thought this form of words did properly express, but we did not hereby declare that we should never

ver change that judgment, if convinc'd by sufficient Arguments, and therefore cannot be bound in *Conscience* never to think, or act contrary to that *Declaration*. But an Argument from this *Declaration* is of more force as it pleads the judgment and determination of our *Legislators*, which will therefore deserve to be more attentively consider'd. I acknowledg that this *Form* was intended, in direct *opposition* to the *Rebellious principles* and *practices* of the times immediately preceding, and must conclude that according to the judgment of this *Parliament*, *King Charles* the I. did never *de jure* fall from his *Regal Right*, and that consequently the War his Subjects wag'd against him was a *Rebellion*, and the *positions* on which they proceeded were *traiterous*; and that it is not lawful upon pretence of his *Authority*, or any other pretence whatsoever to take Arms against his person, who continues to be *de jure King*: In all which the Parliament doth declare no *defensive Resistance* to be *unlawful*, which was not *always* so, nor condemn any *positions* which are not in themselves antecedently *traiterous*; and whoever thinks that they intended more, must suppose that that *Parliament* alter'd the Constitutions of our *English Government*, and did by apparent consequence, expose the Nation to utter Destruction. And if any of us in subscribing the Declaration, had any other apprehensions of it; we may, and I think we should renounce and condemn them.

3. Let us in the last place consider how this resolution will agree with the received *Principles* and *Doctrines* of the *Church* of *England*. We need not, I know, profess so high a regard for our *Church*, as to think any doctrine upon her sole *Authority*, to be a Sufficient rule of our *Faith* or *Conscience*; and yet it cannot misbecome us to pay so great a deference to her Judgment, as never to depart from it without great *regret*. But upon second thoughts I find we shall be under no necessity of doing so; for tho there have been for some time, a *party* among us who have appropriated to themselves the *Church* of *England* exclusive of their brethren; yet if we extend her

Arms wide enough to embrace all her *genuine* children since the Reformation, we shall find enough on our side to justifie *our doctrines* to be consistent with her *principles*. Her Homilies no where, that I know of, assert the Errors I have here condemned, or condemn any of the positions I have here asserted. The Homilies of *Obedience* teach us to *Submit to lawful Authority and to know our bounden duties to common Authority*, but they teach us no *loyalty*, beside or contrary to law. The Homilies against Rebellion are particularly designed against the Papists, whose Rebellion was the occasion upon which they were written, and tho they teach us not to resist our Prince if his Government be *legal*, however contrary to our *Religion* or any other interests, yet they no where forbid, a defensive resistance against *illegal* oppressions which threaten an inevitable ruin to our Country; for they describe the Rebellion they condemn to be no other then resisting or withstanding common Authority. And that the principles of loyalty which obtained in the Church at that time were no other then I have been now asserting, we may easily satisfie our selves from that form of *Prayer* they are charged with by the Parliament, in Queen *Mary's* reign, *that God would turn her heart from Idolatry to the true Faith, or else shorten her dayes and take her quickly out of the way*: Also from the Reasons which the Bishops presented to *Queen Elizabeth* to prove that she ought to take away the life of *Mary Queen of Scots* because an Enemy to their *Religion* and *Country*, tho the next Heiress of the Crown; as *Constantine* did of *Licinius* his fellow *Emperour* because he was an Enemy of the *Empire* and of the Christan Religion; And to such as might object against their Reasons and advice they thus replie, *If our danger be joyn'd with the danger of our Gracious Soveraign and natural Country, we see not how we can be accounted godly Bishops or faithful Subjects if in common peril we should not cry out & give warning: Or on the other hand how they can be thought to have true hearts toward God and toward their Prince and Country that will mislike our so doing, and seek thereby to discredit us.*

Hom. of Obed. pag. 75.

Sr. Simon D'Ewes journall p. 207.

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We may alſo know their principles in the preſent caſe from the *Subſidies* which the *Clergy* gave to the *Queen* in *ſeveral* Convocations in the fifth, thirty fifth, and forty third years of her Reign, for her maintaining and aſſiſting the *Scotch*, *French*, and *Dutch* in their defence of their *Liberties* and *Religion* againſt the injuſt oppreſſions of their Princes, as may be collected out of the preambles of thoſe Subſidy Acts. And if it were not too tedious, this might be fully atteſted out of the writings of ſuch Biſhops as were moſt eminent in thoſe times.

Biſhop *Jewel* ſpeaking of *Luther*, *Melanctbon &c.* hath theſe words *They do not teach the people to rebel againſt their Prince, but only to defend themſelves by all lawful means againſt oppreſſion*; *as did David againſt King Saul, and ſo do the Nobles in France at this day. They ſeek not to kill, but to ſave their own lives, as they have openly proteſted by publick writing to the world.* Biſhop *Biſſon* in his book of the *true difference between Chriſtian ſubjection* and *Unchriſtian Rebellion*, dedicated to *Queen Elizabeth*, thus gives his Judgment concerning that defenſive Reſiſtance which the *Hugonots* uſed againſt the injuſt oppreſſions of their King. *I will not*, Saith he, *raſhly pronounce all that reſiſt to be Rebels: Caſes may fall out in Chriſtian Kingdoms, where the people may plead their Right againſt the Prince and not be charged with Rebellion. As for example, if a Prince ſhould go about to ſubject his Kingdom to a forreign Realm, or change the form of the Comonwealth from Empire to Tyranny, or neglect the Laws eſtabliſhed by common conſent of Prince and People, to execute his own pleaſure: In theſe and other caſes, which might be named, if the Nobles and Commons joyn together to defend their Ancient and accuſtomed Liberty, Regiment and Laws, they may not well be counted Rebels.* In the next Reign, we have the judgment of *Abbot* Biſhop of *Salisbury*, that *the Caſe of the Primitive Chriſtians and of us differs in this, that they had no legal Right for their Religion, but were ſubject to the meer pleaſure of the Government. And while it was ſo, Chriſtians did ſuffer themſelves to be kill'd, and kill'd none in their own defence*; *but when under* Conſtantine *the Emperour they had the Laws on their ſide*

Def. of Apol. p. 16.

P. 520. Edit. 1585.

In hoc cauſa eorum a Veteris Eccleſiæ ratione diſtinguenda eſt &c. Dem. Anti. c. 17. p. 91. &c.

side, [Non tam cædebantur quam cædebant] *they did not so much yield up themselves to be kill'd, as allow themselves to kill others in their just defence.* Such were the principles of the Church of *England* in the Reign of Queen *Elizabeth*, and King *James*; but indeed in the next Reign, when *Popish* and *French* Councils found admission at our Court, then arose *together* the New Principles of *superconformity* in the Church, and of *Super Loyalty* in the State; which like a preternatural ferment, have ever since disturb'd the peace of both, and must be again cast out, if we ever recover a true *English* Temper, or a peaceful settlement. If then we frame our Character of the *Church* of *England* from the first and purest half of her Age, before she was secretly practis'd upon, by the Arts of her subtle Adversary, we shall easily discover, that her principles of *Conformity* and *Loyalty* are far more *moderate* and *intelligible* than those, which since that time, have been most industriously and impetuously recommended under her *Venerable* Name. And I wish that every one who professeth an Honourable and kind regard for our *Church*, would no longer ascribe to her such Principles and Doctrines, which she for many years was ignorant of; wherewith the *Church* hath given great advantage to her Enemies, and receiv'd nothing but Scorn and Contempts, and by which she may oblige the present *Government* to treat her with less kindness, than she might otherwise expect. But I forget that I am writing a Letter, and how much pardon I already need for running it into so great a length; but I thought it better to give you so long a trouble in reading, than to leave any trouble on your mind unremoved: I beseech you to excuse candidly the mistakes I may have committed; and to accept the Services of

Reverend Sir

London March $168\frac{8}{9}$

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